

REMARKS/ARGUMENTS

Support for the amendment to Claim 28 is found in the claim as originally filed. New Claims 54-59 are supported by original Claim 1 and specification pages 18 and 31, both discussing optical brighteners Estobrite OB-1 and OB-3™. As noted in Table 3 at page 18 these optical brighteners are bisbenzoxazole optical brighteners. New claims 56 and 59 are further supported by original Claim 3. No new matter has been entered.

As noted by the above amendment, Claim 28 now requires the presence of three components: a polysulfone, an organic phosphorous-comprising melt stabilizer, and a blue to violet dye. An organic optical brightener is an optional component, but its presence is required in, e.g., Claims 32 and 36. New claims 54-56 are similarly directed to a 3-component composition comprising a polysulfone and organic phosphorous-comprising melt stabilizer, but requires the presence of a bisbenzoxazole optical brightener rather than a blue to violet dye. Finally, New claims 57-59 are directed to a 2-component composition comprising a polysulfone and a bisbenzoxazole optical brightener. As the Examiner will note from a review of the applied references, which will be discussed in detail below, the references do not anticipate the amended claims.

Beverly relates to aromatic polysulfones containing phosphorous compounds used to increase melt stability. However, the reference does not disclose or suggest the use of a blue to violet dye, as now required in amended Claim 28, or a bisbenzoxazole optical brightener as required in new Claim 54. While Beverly generically discloses that the reference composition “may contain dyes and pigments” at column 2, lines 43-44, there is no direction to the particularly claimed blue to violet dyes presently claimed, and as shown in control experiment C11, Comparative Example C12 and Example 13 described at specification pages 33ff, it is the incorporation of a blue to violet dye in combination with an organic phosphorous-containing melt stabilizer in the polysulfone that provides a composition

capable of meeting the yellowness index requirements necessary for the production of viable ophthalmic lenses, etc. As shown in Table 13:

TABLE 13			
Yellowness index of Control C11, Comparative Example C12 and Example 13.			
Thickness (in)	Yellowness Index		
	C11	C12	13
0.05	4.6	2.8	1.6
0.10	9.0	4.5	2.0
0.125	14.7	6.0	2.8
0.20	16.5	7.9	3.8

Example 13, containing both a blue to violet dye and an organic phosphorous-comprising melt stabilizer, shows that the yellowness index of a polysulfone resin composition is substantially reduced through the use of the present invention. As shown by Tables 14 and 15 at specification pages 36-37, this reduction in yellowness index is achieved without any significant loss in light transmittance, and without any increase in haze levels. Because Beverly fails to disclose or suggest the invention as claimed, the rejection over this reference should be withdrawn.

The disclosure in GB '133 with regard to dyes is essentially identical to that in Beverly, the only description appearing at page 4, line 30 where the reference simply states, as in Beverly, that the compositions may contain dyes and pigments. As noted above, this simple disclosure is not sufficient to constitute anticipation, nor does this disclosure provide the basis for an obviousness rejection in view of the substantial improvements shown above when a blue to violet dye is used. The rejection should be withdrawn.

Stevenson relates to a class of special phosphites suggested for use as stabilizers for several polymers including polysulfones (column 1, line 16; column 3, line 58) and polyethersulfones (column 20, line 23). However, the reference nowhere discloses or suggests the use of a dye or, necessarily, a blue to violet dye. While the reference does suggest the use of pigments (column 23, lines 45-46) there is no disclosure or suggestion of the use of a blue to violet dye, as claimed. The rejection should be withdrawn.

Srchibald relates to stabilizers for organic materials including poly(ethersulfones) (paragraph 0043) but nowhere discloses or suggests the use of a dye or, necessarily a blue to violet dye. While pigments are suggested in paragraph 0066, dyes are not disclosed or suggested in Srchibald. Accordingly, the rejection should be withdrawn.

The rejection of Claims 46 and 47 over Beverly, Stevenson or Srchibald are traversed for the same reasons discussed above where each reference is considered. The references fail to disclose or suggest the presently claimed invention even in combination, as critical elements are missing from the references.

With regard to new Claims 54-59, they either require the presence of three components (a polysulfone, an organic phosphorous-comprising melt stabilizer, and a bisbenzoxazole optical brightener (Claims 54-56)) or two components (a polysulfone and a bisbenzoxazole optical brightener(Claims 57-59)). As explained above, none of the prior art references cited teaches or suggests the incorporation of a bisbenzoxazole optical brightener in a polysulfone composition. Necessarily, none of them teach or suggest the incorporation of an optical brightener of the bisbenzoxazole type in a polysulfone composition comprising an organic phosphorous-comprising melt stabilizer.

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Finally, Applicants attach hereto a Terminal Disclaimer over U.S.S.N. 10/510,707 in order to address the double patenting rejection. *Quad Env'tl. Technologies Corp. v. Union Sanitary Dist.*, 20 USPQ2d 1392 (Fed. Cir. 1991).

Accordingly, and in view of the above amendments and remarks placing this case in condition for allowance, Applicants respectfully request early notification to this effect.

Respectfully submitted,

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